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INDIVIDUALISM AND THE STATE.

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We assemble here, in somewhat ceremonial form, for a celebration which, however often repeated, is a significant event. We celebrate this afternoon the completion, by you in the front rows, of what we call a higher education, or at any rate of an important part of higher education in its formal aspect. Your achievement is a distinctive achievement. It marks you off from the great majority of your contemporaries. It is also a voluntary achievement. You entered upon its pursuit under no compulsion, yet it is not altogether an achievement of your own. It has been in considerable degree earned for you by efforts of others. So you have enjoyed a privilege. The opportunity has not been practically available to most of your contemporaries.

Now just how far and in what respects are you, as a result of your voluntary and now presumably successful pursuit of this privileged goal, actually, substantially, different from others? Well, for one thing, many of you are now enabled to enter upon certain vocations which the rest are not able to enter upon because of their lack of various qualifications which are legally or practically prerequisite to the effective pursuit of such vocations, and obtainable only through an education of the type you have had. For another thing many of you may have made some substantial progress in the development of your culture; that is, this education may have considerably enlarged your store of historical, technical and literary information and understanding, and appreciably excited and developed your aesthetic sensibility and appreciation, as a result of all of which you may be able to occupy your leisure hours in ways that are pleasanter, more enlightened, more enduringly stimulating and refreshing.

Is that all or most of what you have achieved? Will you be differentiated from the rest of your fellows by your greater moral and intellectual courage and energy, by your powers of intellectual and moral discrimination, by your predisposition and capacity for deliberation and balance in judgment and aspiration, by your relative security from prejudice and from subjection to considerations of private advantage, by habits of rational discipline of both your emotions and your perceptions? In particular, do you have a readier, more precise understanding of the whole range of human interests, a more sensitive and rational appreciation of the inter-linking of your vocation and your leisure with the vocations and leisures of all other members of the community - - with their life and well-being as a whole? I challenge the right of the state to use public funds for the support of higher education unless it is directed predominately toward the cultivation of qualities of this latter sort. Of course I am not arguing against either the vocational or the cultural sections of our curriculum; for they can be and are, to some extent at least, used with the other objectives I have indicated. I am simply insisting that neither vocational ^{education} ~~expressions~~ nor cultivation for leisure, nor both together shall be considered as constituting the most important aspect of the distinction^{vs} service which the community has now obviously the right to demand of you. It is the other qualities that you will chiefly need in order to fulfill your appropriate part in an association which is neither select nor voluntary. This is the political association, which we designate generically the state. I want to devote the rest of my time to a consideration of some aspects to your relation to it, under the general head of "Individualism and the State".

The state is universal. However remote from the center of civilization the habitat of a community may be, however primitive its culture, it is organized politically --in however rudimentary form. And in all communities membership in the state is all-inclusive ~~X~~ and compulsive. Each individual, whether he likes it or not, is a member of some state. He may in some cases --partially, at least, at his discretion--terminate membership in one state, but only by acquiring it in another. In some instances an individual may by his conduct forfeit some of the privileges of citizenship; but his citizenship remains. An individual may manifest very little interest in problems of state, but he remains none the less, on the one hand a beneficiary of its services and on the other hand subject to definite, formal modifications of his conduct and social relationships as a consequence of the power which the state exercises. The state is sui generis in these respects. No other social organization, however ~~X~~ fundamental and important its functions, is universal and compulsive in its membership. The presumption is that the state satisfies some unique and essential needs of man.

Some have denied this. Since the earliest time of political speculation there have been men who have expressed doubt as to the social and moral legitimacy of state authorities in general, or have more positively stated their belief that the state or political authority is unnecessary and undesirable. This doctrine we call anarchism; and it has had some devoted and intelligent exponents both in antiquity and in modern times--men who have expressed their faith that man's naturally rational and social impulses (when not distorted by the artificial encroachment of organized authority) constitute the surest guarantee assurance we can have of a just and peaceful life.

But the doctrines of anarchism have never had numerous adherents. In all ages the great majority have accepted the state as an indispensable institution of social life. At the same time there has been wide diversity as to the part the state should be expected to play in society, as to what benefit we may properly expect to derive from political organization, as to the proper place to draw the line between individual freedom and political discipline.

The traditional American doctrine on that question has generally been characterized as a doctrine of individualism, ascribing to the state a relatively limited sphere of action. Certainly under the creed most generally professed in England and the United States, from the late eighteenth until the late nineteenth century, emphasis was put upon the limits of governmental interference and the dominant idea was that men should generally be left free from state intervention except for such intervention as was necessary to defend the country from external enemies and maintain peace and order at home. State action, beyond these so called essential functions was represented as violative of natural rights, or as involving futile attempts to set up artificial obstacles to the automatic operation of unchanging, unchangeable laws of a natural economical order, or as tending to destroy individual initiative and self-reliance and to nourish habits of indolence and dependence. In various ways this creed of political individualism postulated an incompatibility between state action and the development of the highest type of individual. The various forms in which this posited antagonism between the state and the individual was expressed give some indication of the various doctrinal sources of the individualistic creed.

In its more idealistic phase the doctrine of individualism has some derivative relations to the familiar ethical and theological

doctrine, prominent at least since the time of Martin Luther, of salvation obtained through "An inward self-originating spiritual transformation of the individual" rather than through conformity to the prescriptions of an authoritative church. Idealistic individualism was also related to the romantic, naturalistic philosophy of the eighteenth century, exemplified ^{by} Rousseau's conception of the ^{happy} ~~happy~~ condition of harmony and innocence in which men lived before the introduction of the artificialities of civilization. In this philosophical individualism man was regarded as naturally endowed with freedom and natural rights, including the right to worship, think, use his ~~faculties~~ ^{faculties} and his property as he chooses, as long as he does not ~~aggressively~~ ^{injure} injure the property or person of another. In its practical application this creed was confirmed by the school of utilitarian ~~empiricists~~ ^{utilitarians}, typified in Jeremy Bentham, who, although discarding as a fiction of the imagination the doctrine of natural right, yet held that experience showed that the greatest happiness of the greatest number was obtained by application of its principles of non-interference.

More directly and thoroughly the ~~Anglo~~ Anglo-American individualistic creed was based upon the orthodox economic doctrine prevalent from the late eighteenth century until the latter half of the nineteenth century, ^{and} the doctrine of the ~~founding~~ ^{founders} of the modern science of political economy, who held that the best economic conditions exists where ~~free~~ ^{the} competition and natural law of supply and demand are allowed to operate freely, automatically, without interference by the state. These economists held that the economic relations of individuals are controlled by natural laws which are as universal and permanent, as unchangeable by the efforts of man, as the laws of the physical order.

Some economists saw in the operation of these laws unhappy consequences for a large numbers of individuals. The law were recognized as creating an antagonism of interest between certain groups, as between capitalists and workmen, as a result of the fact that in general profits tend to rise as wages decrease and profits tend to decrease as wages rise. Since the most prominent English economists held such fatalistic views, political economy acquired the name of "the dismal science", others, notably some French economists, took a more optimistic view, endeavoring to show that the consequences of the unimpeded operation of the natural economic laws were good for all. They maintained that the interests of different individuals, however superficially antagonistic, were fundamentally one; that although in specific relations, as those of wage-earner to employer, or renter to land~~l~~ord--their immediate interests might to a certain extent conflict--broadly^{and}/in the long run their interests were fundamentally identical. Each in pursuing his own private, individual interests, without consideration of the interests of others, will not only best discover and achieve that which is most beneficial to himself, but he will, in thus serving his own interests, serve best the interests of every one else.

Both the dismal and the optimistic economists were united in the general idea that whether the natural economic laws were harmful or useful to man, man has nothing to do but accept them and adapt his conduct to them; neither organized voluntary efforts nor legislative reforms ^{can} improve results. The general practical applications of such doctrines are usually summarized about as follows: freedom of labor is the best available limitation upon the exploitation of workers by employers and the most effective way to work toward adequate wages and safe and healthful conditions of employment;

freedom of competition is the best guarantee of cheapness of price of commodities and of equity in the distribution of income; freedom of loans, without restriction on the rate of interest, is the best practicable guarantee against usurious rates of interest; freedom of trade is the best practical guarantee against exploitation of consumers by monopolistic combinations.

About the middle of the nineteenth century ~~the~~ new biological principles were brought to the aid of this individualistic doctrine. Under the Darwinian doctrine of evolution, the evolution of higher species was represented as coming about through a process of natural selection in a continuous struggle for existence between individuals in adaptation to environment. As a consequence of this struggle those individuals best fitted by natural endowment, to cope with their surroundings would generally survive and leave offspring. As the offspring ^{would generally} ~~was generally~~ displayed the same natural qualities as their progenitors, this process would result in a gradual improvement of the stock. In every species inferior types are persistently eliminated in this struggle. Thus through the survival and reproduction of the best and the persistent ^{destruction} of the inferior type the standard of the genus is gradually raised.

Any expansion of state activity beyond the traditional protection against crime ^{and theft} ~~in the courts~~ was represented as tending to interfere with these laws governing the natural evolution of the higher type of individual and thus to preserve the unfit at the expense of the fit. The practical application of this reasoning may be roughly illustrated as follows: Let industrial competition alone, however intensive, for by it the best come to the top; let poverty alone so that the trailers in the race may sooner die out; let unsanitary housing conditions alone, for such conditions tend to the

extinction of inferior types;

So both prevailing economic and biological doctrines seem to point to the same practical political policy as that advocated by the philosophical individuals^{namely}; namely, that if individuals were left to themselves, unassisted and uninterfered with by the state, the highest type of individual will develop. And yet no publicist was ever able to hold consistently to that creed. [Adam Smith, pre-eminent authority for the doctrine of laissez-faire in the economic field, approved substantial political interference outside that field--approving interferences quite beyond the requirements for protection from crime and redress of tort.] Thomas Paine is the Anglo-american publicist from whom we most frequently quote the catch-phrases of individualism; such as that "government even in its best state is but a necessary evil", "a badge of lost innocence", "no further necessary than to supply the few cases to which society and civilization are not conveniently competent"; and "the more perfect civilization is^{the} less occasion does it have for government". But Paine said also that civilization had unfortunately deprived man of certain privileges which he had enjoyed in an earlier society, as, for example, an equal share in the land. Consequently, while society should retain the devices of improved production which civilization has developed, it is under obligation also to restore to man some part of his earlier economic freedom. So Paine urged that government should impose^{heavy} taxes upon inheritances, upon the unimproved value of land, and upon surplus wealth, and use public funds for public education, for pensions for the aged, and for the support of the poor and unemployed.

No writer had gone to greater extremes in restricting the sphere of government than Herbert Spencer--the author in whose writings the biological basis of individualism was most fully elaborated. The state, ~~said~~ ^{and} he, must not give poor relief or undertake the care of public health or regulate industry, for by such intervention it defeats natural selection; it must not provide education--the parent should purchase it in the open market if he desires it for his child; the state should ^{not} operate the mint, or the postal system, or erect light houses, for none of these activities fall within the range of the individualist's sole justification of state activity--namely, the restraint of one man from interfering with the equal freedom of another. Yet Spencer, in a further effort to be true to his law of equal freedom, stated that equal freedom demanded equal access to the land; so he expressed his disbelief in the right of private property in land. However that inequality should be removed and the the equal access to land established without state intervention, Spencer never attempted to show.

Even today the practical American shows the same disposition to profess the creed of *laissez-faire* and the same inability to adhere to it. We have illustrations near at hand. In the presidential campaign four years ago we were told that our chief political need was "less government in business". After the election the men who made that appeal devoted a notable part of their political energy to the obtaining of legislation strengthening the protective tariff and establishing a ship subsidy; both of such policies, however worthy they may be, represent the hand of government in business, and an acknowledgment of the inadequacy of self-help to solve our problems. Our farmers accept without protest the manifold services--educational, protective, regulative--from both the state and national governments, and demand further governmental action; President Coolidge, recounting the achievements of the adminis-

tration of the last three and a half years, says "We have passed fifteen laws for the farmers", and promises more. And yet the farmers cry "paternalism" against the proposed child labor amendment, ^{commended by the} ~~which the~~ President.

The doctrine of laissez-faire has always, as some one has said, "made sport of its sponsors." As political economy, biology, and philosophy gave support to that doctrine, so in later years, these same three disciplines have reacted against it. It became, of course, a commonplace of political economy to recognize that in actual industrial society economic relations inevitably fall short of the competitive ideal, according to which ideal each part in production would receive ^{Economists are now fully} a share corresponding to what it itself produced. ^{We find also among} aware of the serious individual and social inconveniences which may result from ^{unregulated competition.} economists a recognition that the immediate interests controlling individual action are often opposed to the more permanent interests of the individual or the group, and that often only the state can adjust this opposition; a recognition also that there are many demands of the national economy which individual activity, moved by individual interest, cannot meet.

From the very beginning biologists themselves--Darwin, Wallace, Huxley--indicated the many inadequacies in the attempts to establish individualism upon a biological basis. They showed that animal species generally which exhibit qualities of greater cooperation appear relatively late in the course of evolution ~~appear relatively in the course of evolution~~ and tend to dominate earlier types; and that many highly useful qualities in man are not explainable in terms of natural selection in the struggle for existence between individuals. Certain qualities, though not contributing, or not contributing directly, to individual efficiency in a struggle for existence, are yet highly essential to the progress of civilization and ^{and} therefore essential indirectly to the development of higher types of individual. Individuals unfit--if unfitness be taken in the sense of that which enables an individual by his own unaided efforts to survive in the struggle for life--individuals unfit, from

this standpoint, to survive, may be highly fit to survive from the standpoint of the society to which they belong. While natural selection has its evolutionary social utility in checking indolence, yet certainly in highly civilized communities, continued progress depends only to a subordinate degree upon natural selection.

Probably more effective than these economic and biological corrections of the rigid creed of political non-interference, were the less technical protests against the actual operation of the creed in actual life. You are familiar with the eloquent denunciations of the creed in the writings of such authors as Kingsley, Carlyle, Ruskin and Dickens. There were various other manifestations of civic sentiments aroused by the spectacle of abuses and miseries that seemed, in some degree at least, to be consequences of the application of a doctrinaire philosophy. Every one knows of the practicable repudiations of the principle in the ^{governmental} policies of all western countries, in all of which there has been, in the last half century, a steady expansion of state activity both by way of commercial and benevolent services and by way of compulsive regulation of individual relationships. Publicists in these countries have been prolific in the elaboration of programs for this policy. Philosophers have supplied a ~~press~~ philosophy for the repudiation of the older creed by the civic conscience and governmental policy of the western countries. That philosophy is in part a return to the old Greek idea of the state as a positive agency in the whole moral and intellectual development of the citizen; in part is a refined expression of the ethical doctrine that the good of the individual is that which satisfies his desires as a moral agent. This means, on the one hand, that the good to be realized by the moral individual is a common good, and, on the other hand, that human freedom posits more than release from state restraint and ^{from} aggressive coercion by other individuals. It means that human freedom needs an atmosphere and environment which evokes or liberates all the characteristic capacities of a rational and moral individual. The state, according to this philosophy, has an important ^{part} in determining such environment and atmosphere; it has much to do, not only in punishing traditional crime and redressing traditional torts, but also in positive regulative and educational activity having as its object the removing of obstacles to morality and

freedom, and the creation of conditions in which human capacities are most likely to be realized and a morally free life made possible.

Despite the several demonstrations that the economic and social world in which we live is not the sort of world imagined by the narrow individualists of a few generations ago, we have today, from various sources, new challenges of the modern democratic state, with the contention that in its structure and policy it is a constant menace to the development of the superior individual.. One of the contemporary assaults upon the state comes from protagonists of the non-political associations in society--voluntary associations--social, economic, professional--which are pictured as being in most affairs better adapted for supplying what collective regulation is required. It is contended that whatever intervention in individual action is necessary should be made ^{primarily} by associations other than the state. In this view the state appears merely as one among a number of coordinate associations, each dealing with some essential of social life. The state, it is said, is confronted not by unassociated individuals, but by other associations which have evolved independently, fulfill essential ends, elicit individual loyalties, and are better adapted than the state, through their restricted membership, their specialized forms of organization and means of action, for serving various social purposes. Many of these small corporations, it is argued, because more homogeneous and because representative of a closer community of interest, attract deeper loyalties of their members, and, if permitted to act autonomously, will prove themselves to be more effective agencies of social coordination than the state itself. So the state, as compared with these other associations, has no superior claims to the individual's allegiance.

Some of the practical proposals that have been influenced in part by this pluralistic doctrine, seem useful. There may be some advantage, for example, in the suggestion that the state, in reorganizing industrial control so as to create greater justice in distribution and broader opportunities of self-expression, should promote systems of joint control, under state auspices, ^{rather} than establish direct control of industry. But such revisions of administrative policy hardly require a conception of the state as being on a parity with other essential groups in society. From the

very fact that man is, as the pluralist maintains, a creature of competing loyalties, it seems to follow that the different groups which, in a given nation, attract such loyalties, come inevitably into conflicts and rivalries of interest and competence. Such circumstances create the need for an organization having superior authority in adjusting and adjudicating such clashes as well as of caring for certain common interests. So I suspect that trade unions, employers' associations, and other professional or functional groups within the community, will fare better, in their efforts to become centers of self-expression and creative action, if the superior right of state intervention is fully recognized. We still need to conceive of the state as the institution through which, in a unique way, the social dispositions of men express their ascendancy over individual or group selfishness.

Attacks more precisely characteristic of the mood of the immediate present are those which claim to be based upon alleged teachings of recent biology, psychology, and anthropology. It is variously contended that recent discoveries in these fields discredit the policy of the democratic state, by showing it to have the tendency to elevate the mediocre individual at the expense of the superior individual. The biological discussion is more or less directly related to the doctrines of heredity enunciated about forty years ago by the German biologist, August Weissman. A typical biological argument runs roughly as follows: (1) Different individuals are at birth differently endowed in qualities and capacities of mind and body. (2) Only these native, con-genital qualities and capacities are transmitted by inheritance. Whatever qualities of mind and body are impressed upon an individual by experience, training, manner of life, they are ^{not} transmitted by inheritance. Only the native germ plasm is inherited, not acquired characteristics. (3) This native germ plasm, which is the basis of the intellectual and moral character of the individual, is not a vague mass of plastic tendencies, but is differentiated, possessing specific moral and intellectual tendencies. (4) These specific differences persist, for the most part, throughout ^{the} life of the individual, regardless of the amount or character of his education, experience, and environment; all this cannot affect the germ plasm. [The 2nd] practical applications ^{are} sought to be made of their biological argument. First: since acquired characteristics ^{are} are not transmitted by inheritance, then whatever qualities are impressed upon the individual by training and environment contribute nothing to the permanent improvement of the stock. The state should therefore devote relatively little attention and expenditure to educating and improving the environment of the people generally. Its policy should be determined by the objective of seeing that those of superior natural endowment are enabled to prosper and reproduce. How does the argument with this application stand in the light of our actual biological knowledge? It rests upon a fallacious interpretation of the Weissmanic doctrine. That doctrine (which is supported by the preponderance of authoritative opinion) means simply that acquired characteristics are probably not transmitted ^{by} inheritance. It is quite a different matter to assert that all congenital variations are transmitted by in-

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 heritance; and such affirmation ~~is not made by~~ Weissmanic doctrine, as developed in
 the preponderant biological opinion of today, does not make. The biologist of today
 distinguishes between fluctuations--congenital variations which, though persisting
 through ~~persisting~~ through several generations, are not permanently transmitted, and
 so ~~have~~ ^{have} ~~no more effect upon~~ ^{than acquired characteristics} the development of the stock; and mutations, which,
 once appearing, establish new stock characters, with lasting and significant effects
 upon subsequent generations. Since ^a fluctuations may have the same outward appearance
 as a mutation, particularly in the human species, which is less susceptible to pre-
 cise experimentation and examination than lower forms of life, we obviously run con-
 siderable risk when we attempt to make far-reaching political applications of the
 biological laws of inheritance. This attitude of scepticism is confirmed by this
 further consideration: biologists do not deny that environment may influence the par-
 ent organism in such manner as to produce effects upon the congenital qualities of
 the off-spring. ^{the} ~~A~~ second practical application ^{of the biologician's argument} is somewhat as follows; Since the
 basic, native, mind and character of the individual includes specific intellectual
 and moral tendencies, and these specific native tendencies persist throughout life,
 subject only to relatively slight improvement by education and environment, the state
 errs in devoting energy and expenditure ~~to~~ educating and bettering the environment
 of the masses, quite apart from considerations of inheritance; and merely on the
 ground that such education and environment will effect no substantial elevation
 of the mental and moral standards of the individuals immediately concerned. Here ^{But}
^{whole} again the argument proceeds from inadequate knowledge of biology. For, in the first
 place, there is no predominant ^{opinion} ~~idea~~ as to the extent to which the native germ plasm
 is specific and differentiated. And, in the second place, we have no knowledge at
 all as to the extent to which tendencies and potentialities sheathed in the native
 germ plasm are modifiable by environment, ~~experience~~ and training. Biologists ~~are~~ ^{are}
 ignorant ~~on~~ ^{of} the question of the degree of sensitiveness of the germ plasm to
 outside impressions. We do not know much as to the extent to which morality and in-
 telligence are characteristics fixed at birth and to what extent they are the prod-
 uct of environment and training. The whole argument fails because of our inadequate

knowledge on this point.

Some contemporary writers hail the new mental or intelligence tests, elaborately developed and promoted by our psychologists and educational experts, as supplying the guidance which the biologists cannot supply. These tests, say these writers, reliably show the extent to which individuals, ~~and~~ social and economic classes, whole races in fact, differ in inherited gifts and native talents. The tests show further, say these writers, that the grades of intelligence in a modern democracy correspond "generally with the present economic and social stratification" of the community, and that most of us are hopelessly dull. The state, therefore, acts uneconomically, impractically, unintelligently, if it enacts legislation designed to remove environmental barriers to the passage of individuals from bottom to top of the social and economic ladder, or if it does not spend relatively ^{more} ~~less~~ for the nurture and education of the talented and successful few than for the nurture and education of the mediocre and unsuccessful many. Here again it can be safely said that the argument rests upon ignorance. Psychologists do not know, and most of them do not claim to know, the extent to which differences in training and environment effect the score in the tests. They are not in agreement as to what quality in general the tests do reveal. Practically all psychologists of standing are in agreement that there are numerous inherent traits which, though not revealed by the tests, are of fundamental importance in determining the quality of human conduct and the progress of human development, and which, like inherent mental traits, are probably to a significant degree subject to development under the influence of training and environment. In other words, yet it has not been shown that the differences in ability, native or acquired, which the tests measure, are differences in true individual and social worth.

Of what significance is it then when Lothrop Stoddard says that the army intelligence tests show that only $4\frac{1}{2}$ o/o of American citizens are "of really high intelligence"? Isn't that equivalent to saying that the tests show that only exceptionally few are exceptionally intelligent? Could more than exceptionally ^{few} be exceptionally intelligent? Of what significance is it when he ^{says} ~~says~~ that the tests show that 45 o/o of us are intellectually dull? Isn't that equivalent to saying, as a recent

writer phrases it, that "45 o/o of us are duller than the other 55 o/o"? Is that an alarming situation, indicative of serious defects in our democracy? We must ^{not} charge our scientific psychologists with responsibility for the ignorance of such cleverly and enthusiastically pessimistic authors.

Manifestly, nothing that I have said is a challenge of the usefulness of the psychologists' tests as aids in the solutions of problems of educational administration or of personnel administration in industry. And with reference to the preceding biological argument, there is no challenge of the usefulness of practical eugenics in fields where we have definite scientific knowledge; where it is employed, for example, to discourage the reproduction of congenital defectives or of those congenitally liable to certain dangerous diseases. Here again our safest course is to follow prevailing scientific opinion: So I quote this from a distinguished English biologist--Professor Bateson:

"To the naturalist it is evident that while the elimination of the hopelessly unfit is a reasonable and prudent policy for society to adopt, any attempt to distinguish certain strains as superior and to give special encouragement to them would probably fail to accomplish the object desired, and would certainly be unsafe.

"The distinction is created probably by the fact that whereas our experience of what constitutes the extremes of unfitness is fairly reliable and definite, we have little to guide us in estimating the qualities for which society has or may have a use or the numerical proportions in which they may be required."

I am not asking you to consider the state, or the ~~modern~~ ^{state} democratic ^{as sac-} ~~race~~ ^{against} as incapable of doing grievous wrong. I am not contending that the action of the ~~modern~~ ^{contemporary} state must never be challenged by intelligent criticism. I am simply asking that the challenge should be through intelligent criticism, which involves a recognition of the principle that private rights are always conditioned by public rights. It is necessary therefore to realize the fallacy of the antithesis between individualism and the state. Except for the physically strongest or most cunning, there could be no individual liberty without social restraint. The problem of individualism is the problem of the proper organization of restraints upon individual action. Neither ~~science~~ ^{science} nor practical experience suggests that we can solve the problem without a considerable utilization of state action. So it is not so ^{a problem} much of in-

creasing or diminishing restraints as of organizing and reorganizing them. Experience has shown us that this means that there must be a considerable ^{amount} of state activity with the view, not to feeding, housing, and clothing any man, but with the view to guaranteeing, as far as possible, economic conditions such that the man of normal ~~mind~~ mind and body can by useful labor house, feed, and clothe himself and family. This explains why all modern states take upon themselves the task of supplying certain public services, or of strictly regulating their provision by private agency, because of the demonstrated inadequacy of unregulated private efforts in satisfying those common needs. It explains why in multifarious ways states regulates contracts, where the contracting parties are in position of an inequality not created by any fault or natural incapacity of the weaker party, or also where equally contracting parties use freedom of contract to create conditions adverse to the public interest or to the equal opportunities of large groups of the population. As to whether there ^{much} will be ^{much} further activity of the state in the direction of "nationalization" depends largely upon whether experience shows that such action is necessary to prevent exploitation of great natural resources and natural monopolies. Take coal for example. I am relatively ^{little} concerned in the theoretical arguments on the relative merits of socialism and laissez-faire or in theories of value--as to the relative elements in value contributed by capitalist-owner and wage-earner; I don't believe such considerations are going to have much to do with settling the question of the future ownership of the coal-mining industry. That question will be settled largely by the conduct of the operators and miners. If they persistently act on the assumption that their interests in the production of coal are, severally or jointly, predominant, then their interests will be given relatively slight recognition, and they will by their own action ~~determine~~ determine the question adversely to private ownership and operation of the coal mines. In other words, we are largely dependent upon experience to reveal to us where concerted action, involving in many instances compulsive action of the state, is necessary ~~in~~ order to secure those external conditions under which as far as obtainable equal opportunity exists.

Let us consider the bearing of this general question of state intervention and individualism upon the question of state interventions in the regulations of private property. Here our most helpful guide comes, I believe, not so much from an analysis of the nature of the individual and of society, as from a ^{historical} ~~historical~~ and analytical consideration of the institution of private property itself. At no time in the history of any country, since the appearance of the institution of private property and the legal contract, has there existed unlimited or approximately unlimited freedom of contract or of ^{the} disposition of property or of any of the freedoms of a so-called natural order such as the laissez-faire economists eulogized—that is, freedom of competition, exchange, loans, and labor. There are, in the first place, the familiar limitations involved in legal restraints for the prevention of fraud and the protection of debtors. We find that weights and measures for use in private exchanges were regulated as early as Anglo-Saxon times; that were legal requirements as to the marking of various ~~various~~ forms of merchandise in Tudor times. ~~Reckless~~ ~~lxxx lxxx~~ The exaction of excessive rates of interest for the use of money loaned was at first an ecclesiastical offense, but was subsequently covered by parliamentary statutes, particularly those of the sixteenth and seventeenth centuries. There ^{and} the old requirements of equal services, imposed upon carriers and inn-keepers, who, by the ~~qually~~ common law, were obligated to render services, to the extent of their available accommodations, to all well-conducted travellers ready to pay the customary charges. Finally, we find far back in English history legal restrictions which have this as their object: namely, to prevent property-owners from using their privileges of ownership in such ways as to make necessities of life or other commodities unduly expensive. Here fall the familiar common law inhibitions upon agreements tending to suppress or lessen competition. There were also early statutory prohibitions of such practices as forestalling and regrating: forestalling—the buying of merchandise or victuals coming in the way of the market, or inducing persons bringing goods to market to raise their prices; regrating—the buying of grain or victuals and selling them in the same market, thus making the purchaser pay a double profit. There were various instances of direct statutory regulation of charges: as the regulation

of tolls at the mills, in the early fourteenth century; and the sixteenth century statutes regulating the fares to be charged by Thames boatmen and the prices to be charged for foods and for beer barrels; and, a century later, the statutes regulating the price of coal.

I have cited these specific examples from English history so that I might go farther back. Similar examples could be cited from our own legal history. The same common law principles mentioned above were part of our common law in the earliest periods of our history; and statutory regulations of interest, standards and prices of commodities, are found in our colonial legislation of the seventeenth century as well as in our early state legislation.

State intervention to prevent fraudulent contracts and oppressive treatment of debtors has, of course, never been abandoned. Upon the ^{basic} principles of the common law as to the duties of carriers rests most of ^{our} present elaboration ^{regulation} of the services and charges of public utilities. The common law principles of restriction upon contracts in restraint of trade form the basis of our recent anti-trust legislation. The specific restrictions upon forestalling and engrossing have been repealed. Most of the statutes regulating prices of commodities have been repealed in England and the United States, and the specific principle of such price-regulation abandoned--namely, the principle that every commodity has its ^{true and} just price, determinable by public authority. But the more fundamental principle upon which all such state control is based has never been surrendered or been without specific application in our political practice--namely, that where economic power of the property ^{owner} is used to dictate oppressive terms, or where such economic power is aimed at, then a wrong has been done which it is the province of the state to remedy.

The moral and practical validity of this principle is demonstrable by an analysis of the very nature of the institution of private property. The existence of private property rests upon a substantial intervention by the state in the relations of individuals. This intervention is accorded on the hypothesis that the institution is conducive to the development of the highest type of individual. The institution thus exists conditionally. It is to be supported by the state on the condition that

it be not used oppressively against the community or against other individuals.

Since the state supports the institution of private property it cannot escape the ~~responsibility~~ obligation to guarantee us against its oppressive uses. This is a fundamentally conservative position. It is historically conservative; because the state has always, in varying degrees and through varying means, recognized this responsibility. It is a practically conservative doctrine. If we should ever have anything approaching full freedom of competition, contract, trade, and labor, we would thereby demolish the very foundations upon which the institution of private property rests. And those who try to crystallize in a rigid, unmodifiable form the existing stage in the evolution of contractual relations, are radical innovators, flying in the face of history, sowers of the seeds of revolution. The existence of private property is a negation of the doctrine of laissez-faire, a denial of the doctrine of the survival of the fittest in an unregulated struggle for existence, a denial of the ~~doctrine~~ doctrine of an adequately operating, automatic, law of supply and demand. We are not here ~~considering~~ the debating the question as to the justification of private property. We are assuming its validity and the value of competition for economic success and achievement as a stimulus to useful effort. But to recognize the impulse to personal possession as a natural and beneficial impulse is not to believe that its satisfaction needs no rational discipline or no substantial modification in order that its true value can be realized. And to say that it is not the job of the state to remove all inequalities is not to say that it is the job of the state, by action or inaction, to perpetuate and accentuate inequality which often results, in part at least, from the original state intervention upon the basis of which private property exists.

State intervention does not necessarily or most frequently result in narrowing the sphere of individual action. It may just as often result in widening that sphere. State intervention does not necessarily or predominantly or characteristically involve the negation or weakening of individual responsibility, spontaneity, initiative, self-help. To say, "here the state intervenes" is to say nothing whatever as to whether individual self-development is promoted or retarded by that intervention. State intervention in a given case ^{may} retard it; it may in a given case promote it. The ideal of individualism may be in some cases best realized by action of individuals or voluntary associations unrestrained by the state; in other cases it may be for large numbers of individuals substantially destroyed by such action. Let every case be decided as best we can with the facts at hand; but let there be no attempt at pre-judgment of the case by generalizations as to the benefits to be derived from unimpeded individual effort.

Some contemporary writers treat this sort of argument with jaunty ridicule and say, to quote one of them, that it is a product of a "sickly ^{sentimentalizing} ~~sentimentalizing~~ over the lot of the under dog." It isn't that. It is rather a caution against sickly sentimentalizing over the imputed excellence of the upper dog who has got to be the upper dog with considerable outside help and yet whines when the giver of that aid asks him, the upper dog, to prove his mettle in an equal contest. The ~~same~~ writer just quoted says that all society can ask of those at the top is that they act moderately and magnanimously toward those lower down in the economic scale. But society has also the right and the duty to demand that those at the top constantly prove their right to be at the top. Theodore Roosevelt was not given to sickly sentimentalizing. What American ever made a wider appeal to all sections and groups of Americans? Read the recent biography of Roosevelt by a British author—Lord Charnwood. See ^{his} ~~his~~ interpretation of Roosevelt's profound sense of the dignity of the common man and his profound respect for the state as an agency for protecting that dignity through substantial intervention in the ordinary affairs of men. Read Roosevelt's addresses and the

platform of the progressive party of 1912, which was peculiarly his own platform, and see whether you don't find verification of that interpretation. Said Roosevelt (this time not in a political address but in a review of a scientific work): There must be now "a movement to bring all people into rivalry of life on equal conditions of social opportunities. . . The true function of the state, as it interferes in social life, should be to make the chances of competition more even, not to abolish them. . . We insist that the race be run on fairer terms than before, because we renounce all handicaps. We thus tend to make it more than ever a test of the real merits of the victor." Roosevelt was a staunch defender of private property. He also believed that vigorous state intervention was absolutely necessary in order to guarantee a square deal—a square deal for the ordinary, strenuous, self-reliant American. I believe he was the most thoroughly individualistic and the most thoroughly state-minded of all our presidents. And yet his distinction from some other statesmen lies perhaps not so much in his doctrine of the state as in the commonsense and intellectual honesty with which he acknowledged the implications of his doctrine.

Just there, I believe, we have the indication of the sort of individualistic faith in which we are in greatest need today. More than anything else, we need intellectual integrity and courage—a considerable degree of intellectual spontaneity and initiative. This does not mean aimless captiousness, pride of obstinate opinion, pride in eccentricity, disregard of authority and experience. It means a willingness to hear honest discussion; it means particularly courage and confidence in appraising political names, phrases, slogans, adjectives ending in "ist"—a disposition and capacity to discriminate between the use and the abuse of political terms. Individualism is chiefly in danger when the educated people become subservient to phrasemongering, radical or reactionary—and ~~the~~ one sort is as prevalent as the other. Neither the perpetrators nor the victims of rhetorical and metaphorical intervention are confined to radical parties or to the ranks of those whose scores are C or D in the mental tests. Nor is the state generally the enemy here. Your individuality in political and social opinion will be assailed less seriously by

the state than by private groups and individuals. They will try harder than the state to shape you, in your intellectual and moral judgments, to an approved mold. It is ^{against} ~~against~~ such attempts at regimentation and paternalism ^{that} ~~against~~ which you need chiefly to be on guard. And many who raise the loudest outcry against state encroachments upon individual freedom in the economic sphere are the most ardent supporters, or the most complacently tolerant, of public or private attempts at intimidation in the field of opinion.

At the beginning I spoke of your educational achievement as a distinctive achievement. I ~~do not~~ have not, in what I have ^{since} said, tried to disparage the superior qualifications with which your education must in some degree ^{have} equipped you for a distinctive service - a service to be rendered by each one of you, whatever your vocation. I have tried to suggest to you what seems to me to be ~~the~~ essential to your intellectual distinction and to your capacity for civic leadership and service. I hope that you will be free ^{from} intellectual and ethical indolence. I hope ^{you} will try to excel in intellectual virility, incorruptibility and fearlessness. In that way you will show your distinction, ~~and~~ what capacity for leadership you have, and how highly you value self-reliance. I hope you will be more concerned as to your own competence than as to that of the multitude, as much concerned over the rights of others as over your own. The great need is not for the leader who thinks most of his own excellence and looks down upon the incompetent multitude, but for the leader who (to quote) "looks himself up to some standard and becomes thus worthy to be looked up to in turn." I have not tried to debase either aristocracy or individualism. I am simply urging you to ~~debase~~ ~~it~~ purify them of their debasing alloys. That will be a difficult but a sublime task. Health and strength to you in it. Good will to you all.